



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, OPN, OPR, FF

Introduction

This is an application brought by the Landlord requesting an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, requesting a Monetary Order for outstanding rent, and requesting recovery of the filing fee.

The applicant testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on June 3, 2016; however the respondent(s) did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent(s) have been properly served with notice of the hearing and I therefore conducted the hearing in the respondent's absence.

All parties were affirmed.

Issue(s) to be Decided

The issues are whether or not the landlord has established the right to an Order of Possession, and whether the landlord has established a monetary claim against the tenants, and if so in what amount.

Background and Evidence

The landlord testified that this tenancy began in 2008 and that the present monthly rent is \$2700.00, due on the 15th of each month.

The landlord testified that the tenants failed a portion of the January 2016 rent, February 2016 rent, and May 2016 rent, and therefore on May 18, 2016 a 10 day Notice to End Tenancy was served on the tenants by registered mail.

The landlord further testified that the tenants have failed to pay the outstanding rent, and have failed to vacate the rental unit.

The landlord is therefore requesting an Order of Possession for as soon as possible and a Monetary Order as follows:

January 2016 rent outstanding	\$200.00
February 2016 rent outstanding	\$200.00
May 2016 rent outstanding	\$440.00
June 2016 rent outstanding	\$2700.00
Filing fee	\$100.00
Total	\$3640.00

Analysis

After reviewing the landlord's evidence and testimony it is my finding that the landlord has shown that, as of today's date, there is a total of \$3540.00 in rent outstanding, and I therefore allow the landlords request for a Monetary Order for that outstanding rent, and recovery of the \$100.00 filing fee.

It is also my finding that the tenants have been served with a valid 10 day Notice to End Tenancy, and has failed to comply with that notice within the required timeframe, and therefore the landlord has the right to an Order of Possession.

Conclusion

Pursuant to section 67 & 72 of the Residential Tenancy Act I have issued a Monetary Order in the amount of \$3640.00.

Pursuant to sections 46 and 55 of the Residential Tenancy Act I have issued an Order of Possession that is enforceable two days after service on the tenants.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: July 04, 2016

Residential Tenancy Branch